

UNITED STATES DISTRICT COURT

FOR THE EASTERN DISTRICT OF CALIFORNIA

DAVID ANTHONY BREAUX,

Petitioner,

v.

RONALD BROOMFIELD, Warden, San
Quentin State Prison,

Respondent.

No. 2:93-cv-0570 DJC SCR

DEATH PENALTY CASE

ORDER

Petitioner is a condemned state prisoner proceeding through counsel with a writ of habeas corpus under 28 U.S.C. §2254. In a joint statement filed August 12, 2024, the parties state that they met and conferred and set a date of November 13, 2024 for Dr. Gugelmann's testimonial deposition. The parties request that the court order that the testimonies of Thomas Wirtz and Richard Fathy may be taken by videotaped depositions. The parties further request that the court order the parties to file a joint statement with counsel's proposed plan for the remaining litigation by December 2, 2024.

The court notes that respondent is identified as Brian Cates, Warden of California Correctional Institution on the joint statement. However, Ronald Broomfield, Warden of San Quentin State Prison, is identified on the proposed order. Mr. Broomfield is currently the

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1 respondent in this case. If Mr. Cates should be substituted for Mr. Broomfield, the parties should
2 so notify the court.

3 Upon considering the parties' joint request, and good cause appearing, IT IS HEREBY
4 ORDERED as follows:

- 5 1. The court grants the parties' request to complete the testimonies of Thomas Wirtz and
6 Richard Fathy by videotaped deposition.
7 2. The parties shall file a joint report by December 2, 2024 updating the court on the
8 deposition of Dr. Gugelmann and suggesting further dates, or deadlines, for
9 completion of the remaining depositions.

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11 DATED: August 26, 2024



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13 SEAN C. RIORDAN
14 UNITED STATES MAGISTRATE JUDGE
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